

c/m

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U.S. DISTRICT COURT E.D.N.Y.
★ OCT 5 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

GEORGE GARCIA,

Defendant.

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P.M. _____
TIME A.M. _____

Cr. No. 05-0289 (CBA)

Upon the application of James M. Branden, Esq., it is hereby
ORDERED that the condition of the release bond that Mr. Garcia
reside with Ms. Tena, the suretor, at 3322 South Champlain Road, in
Tucson, AZ, be excused, and that Mr. Garcia may reside with George
Duran at 1912 West Bothell Way, Tucson, AZ, 85734 while on release.

Dated: September 15, 2005
Brooklyn, New York

HON. CAROL B. AMON

Hon. Carol B. Amon, U.S.D.J.

September 14, 2005

BY OVERNIGHT MAIL

Hon. Carol B. Amon
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. George Garcia
Cr. Docket No. 05-0289 (CBA)

Dear Judge Amon:

I represent the defendant in the above-referenced matter. At the status conference held on May 10, 2005, I informed the Court that Mr. Garcia had moved out of the residence he shared with his ex-wife, Ms. Tena, because they were not getting along and he moved in with George Duran, a co-worker. In response to the Court's question, the government and I represented that residency at Ms. Tena's was not a condition of the release bond. We were incorrect. I have reviewed the bond and residency at Ms. Tena's was a condition of release (although, as I recall, that condition was not part of the parties' agreed-upon bail package and was added by the Magistrate Judge *sua sponte*).

Because Ms. Tena and Mr. Garcia are not getting along, I request that the bond condition requiring his residency with her be modified so that Mr. Garcia can live with Mr. Duran at 1912 West Bothell Way, Tucson, AZ 85734 (phone: 520-977-8006). Ms. Tena has not requested that she be removed as the suretor on the bond.

I have spoken with AUSA Nicole Boekman and she consents to this request for a modification of this condition of release and I have spoken with United States Probation Officer Daniel Moreno (520-205-4390), who is supervising Mr. Garcia's release in Tucson, and he too consents to this request. I have enclosed a proposed Order, should the Court find it necessary or helpful.

Respectfully submitted,

James M. Branden

cc: AUSA Nicole Boekman; USPO Daniel Moreno (both by fax)